

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)
020375-008900

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Signature

Typed or printed
name Aurora Lowell

In re Application of

Phillip T. Mellinger, et al.

Application Number

10/091,001

Filed

March 4, 2002

For

CREDIT CARD TRANSACTION TRACKING SYSTEMS AND METHODS

Group Art Unit
3628

Examiner
Thach H. Bui

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$320.

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 20-1430. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.

☒ attorney or agent of record.

☐ attorney or agent acting under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a): _____

Signature

Irvin E. Branch, Reg. No. 42,358

Typed or printed name

July 7, 2003

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of one form is submitted.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

DE 7109509 v1

PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

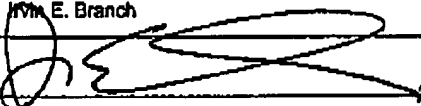
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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| | | | |
|--|----------------------|------------------------|---------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Application Number | 10/091,001 | |
| | Filing Date | March 4, 2002 | |
| | First Named Inventor | Meillinger, Philip T. | |
| | Art Unit | 3628 | |
| | Examiner Name | Thach H. Bui | |
| Total Number of Pages in This Submission | 1 | Attorney Docket Number | 020375-008900 |

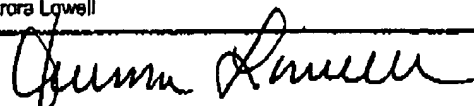
| ENCLOSURES (Check all that apply) | | |
|--|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard |
| Remarks | | The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | |
|--------------------|---|-----------------|
| Firm or Individual | Townsend and Townsend and Crew LLP Irina E. Branch | Reg. No. 42,358 |
| Signature |  | |
| Date | July 7, 2003 | |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

| | | | |
|-----------------------|---|------|--------------|
| Typed or printed name | Aurora Lowell | | |
| Signature |  | Date | July 7, 2003 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DE 7109510 v1

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PTO/SB/17 (05-03)
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| | | | |
|--|--|----------------------|----------------------|
| FEE TRANSMITTAL for FY 2003 <i>Effective 01/01/2003. Patent fees are subject to annual revision.</i> | | Complete if Known | |
| | | Application Number | 10/091,001 |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 | | Filing Date | March 4, 2002 |
| | | First Named Inventor | Mellinger, Philip T. |
| | | Examiner Name | Thach H. Bul |
| | | Art Unit | 3828 |
| TOTAL AMOUNT OF PAYMENT (\$) 320 | | Attorney Docket No. | 020375-008000 |

| | | | | | | | |
|---|--------------|----------|----------|--|----------|--|--|
| METHOD OF PAYMENT (check all that apply) <input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 20-1430 Deposit Account Name: Townsend and Townsend and Crew LLP | | | | FEE CALCULATION (continued) | | | |
| 1. BASIC FILING FEE | | | | 3. ADDITIONAL FEES | | | |
| Large Entity | Small Entity | Fee Code | Fee (\$) | Fee Description | Fee Paid | | |
| 1001 | 2001 | 750 | 375 | Utility filing fee | | | |
| 1002 | 2002 | 330 | 165 | Design filing fee | | | |
| 1003 | 2003 | 520 | 260 | Plant filing fee | | | |
| 1004 | 2004 | 750 | 375 | Reissue filing fee | | | |
| 1005 | 2005 | 180 | 90 | Provisional filing fee | | | |
| SUBTOTAL (1) (\$) | | | | Fee Description | | | |
| | | | | 1051 130 2051 65 Surcharge - late filing fee or oath 1052 50 2052 25 Surcharge - late provisional filing fee or cover sheet 1053 130 1053 130 Non-English specification 1812 2,520 1812 2,520 For filing a request for reexamination 1804 820* 1804 820* Requesting publication of SIR prior to Examiner action 1805 1,840* 1805 1,840* Requesting publication of SIR after Examiner action 1251 110 2251 55 Extension for reply within first month 1252 410 2252 205 Extension for reply within second month 1253 930 2253 465 Extension for reply within third month 1254 1,450 2254 725 Extension for reply within fourth month 1255 1,870 2255 965 Extension for reply within fifth month 1401 320 2401 180 Notice of Appeal 1402 320 2402 160 Filing a brief in support of an appeal 1403 280 2403 140 Request for oral hearing 1451 1,510 1451 1,510 Petition to institute a public use proceeding 1452 110 2452 55 Petition to revive - unavoidable 1453 1,300 2453 650 Petition to revive - unintentional 1501 1,300 2501 650 Utility issue fee (or reissue) 1502 470 2502 235 Design issue fee 1503 690 2503 315 Plant issue fee 1480 130 1480 130 Petitions to the Commissioner 1807 50 1807 50 Petitions related to provisional applications 1806 180 1806 180 Submission of Information Disclosure Stmt 6021 40 6021 40 Recording each patent assignment per property (times number of properties) 1809 750 2809 375 Filing a submission after final rejection (37 CFR § 1.129(a)) 1810 750 2810 375 For each additional invention to be examined (37 CFR § 1.129(b)) 1801 750 2801 375 Request for Continued Examination (RCE) 1802 900 1802 900 Request for expedited examination of a design application | | | |
| 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE | | | | Other fee (specify) _____ | | | |
| Total Claims: <input type="text"/> = <input type="text"/> = <input type="text"/> = <input type="text"/> Independent Claims: <input type="text"/> = <input type="text"/> = <input type="text"/> = <input type="text"/> Multiple Dependent: <input checked="" type="checkbox"/> <input type="text"/> = <input type="text"/> = <input type="text"/> | | | | *Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 320 | | | |
| SUBTOTAL (2) (\$) | | | | | | | |

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|---------------------|-----------------|-----------------------------------|--------------|-----------|--------------|
| SUBMITTED BY | | Complete (if applicable) | | | |
| Name (Print/Type) | Irvin E. Branch | Registration No. (Attorney/Agent) | 42,358 | Telephone | 303-571-4000 |
| Signature | | Date | July 7, 2003 | | |

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 38 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20503.